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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
APPROXIMATELY \$104,994 IN UNITED )  
STATES CURRENCY, )  
 )  
Defendant. )

No. 08-08-02331 JL

JOINT CASE MANAGEMENT  
CONFERENCE

Plaintiff, United States of America and Claimant Todd Dunphy respectfully submit this  
Joint Case Management Statement.

**1. Jurisdiction and Service**

This Court has jurisdiction pursuant to Title 28, United States Code, Sections 1345 and 1355 and Title 21, United States Code, Section 881(a)(6). Plaintiff has served notice of this action on all persons who may have an interest in the property. Todd Dunphy, represented by David Michael, has filed a verified claim and an answer. To date, no other claims have been filed in this action.

**2. Facts**

This is a forfeiture action. The money was seized from Todd Dunphy during a search at the San Francisco Airport on November 5, 2007. The government contends that there is sufficient evidence to believe that the defendant currency is subject to forfeiture, pursuant to Title 21, United States Code, § 881(a)(6), as money furnished or intended to be furnished in exchange for a controlled substance, traceable to such an exchange or used or intended to be used to facilitate a violation of Subchapter I, Chapter 13 of title 21 United States Code. Claimant denies that the defendant currency is subject to forfeiture..

**3. Principal Factual and Legal Issues**

The principal factual and legal issues in dispute are: 1) whether plaintiff can establish by a preponderance of the evidence that the defendant currency is drug proceeds and thus forfeitable under Title 21, United States Code, Section 881(a)(6) and 2) whether claimant Todd Dunphy can establish by a preponderance of the evidence that he is an innocent owner of the defendant currency.

**4. Anticipated Motions**

The parties contemplate the possibility of filing pre-trial dispositive and non-dispositive motions. Because of a related criminal investigation that is currently pending in the District of Hawaii, the parties request that this case be stayed for sixty (60) days.

**5. Amendment of Pleadings**

At this time, the parties do not anticipate filing any amended pleadings.

**6. Disclosures**

This is an *in rem* forfeiture case and is exempt from initial disclosures pursuant to Federal Rule of Civil Procedure 26 (a)(1)(B)(ii).

**7. Discovery**

The parties have not engaged in discovery at this time. Because of a related criminal investigation that is currently pending in the District of Hawaii, the parties request that this case be stayed for sixty (60) days.

**8. Class Action**

This is not a class action.

**9. Related Case**

The parties are aware of a related criminal investigation that is currently pending in the District of Hawaii

**10. Relief/Damages**

Plaintiff seeks a judgment of forfeiture of the defendant currency. This is not a damages case. Claimants seek the return of the defendant currency.

**11. Settlement**

At this juncture, matters are far too undeveloped to ascertain the possibility of settlement.

Dated: December 9, 2008

/s/  
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DAVID M. MICHAEL  
Attorney for Claimant  
TODD DONALD DUNPHY

Dated: December 9, 2008

/s/  
\_\_\_\_\_  
DAVID B. COUNTRYMAN  
Assistant United States Attorney

The Case Management Conference has been continued to Wednesday, February 11, 2009 at 10:30 a.m.

IT IS SO ORDERED.

12/9/08

